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EXHIBIT
DATE 1-27-09
HB 166

House Bill 166
January 27, 2009
Presented by Jim Kropp
House Fish, Wildlife & Parks Committee

Mr. Chairman and committee members, for the record I am Jim Kropp , Chief of Law Enforcement of Montana Department of Fish, Wildlife & Parks (FWP).

In 2001, HB 419 created a program to aid in the investigation and prosecution of major violations of fish, wildlife, and parks laws. That bill was necessary to address the need for more investigation of larger and more commercially-based unlawful wildlife activity and the need for more prosecution effort regarding such cases. The bill added a half of FTE in the Montana Attorney General's Office for a prosecutor whose work is dedicated to the prosecuting offenses relating to our efforts in these cases.

The program, designated informally "Enough is Enough" in 2007, has been working. Based on the work of FWP regional investigators and field wardens, as well as the consent and support of county attorneys, the effort has resulted in the successful prosecution of various cases. Many of the cases address perpetrators killing various and numerous animals, and/or perpetrators selling, in essence, the opportunity to kill (often illegally) the wildlife of this state. The cases are often complex and vigorously litigated, which requires more time than the vast majority of the tickets issued for minor fish and game offenses.

The benefit of the prosecutor position in the DOJ has included the case work, as well as the benefit of training to law enforcement and to local prosecutors. It also has meant a source of knowledge and expertise related to these cases.

The reduction of illegal activity necessarily benefits the legal and legitimate hunters and anglers and associated businesses in this state. So we know there is a direct correlation between the resources developed since 2001 and the protection of our wildlife resources.

It has become more than a part-time effort. With the equivalent of a full FTE, the prosecution effort can address cases quicker, reducing the loss of cases due to statute of limitations.

Montana Outdoors

A black and white photograph of a bull elk with large antlers standing in a forest. The elk is facing right, looking slightly back over its shoulder. The background is a dense forest with tall trees and dappled light.

ENOUGH IS ENOUGH

Montana cracks down on
poachers stealing bull elk
and other big game

A SPECIAL MONTANA OUTDOORS REPRINT

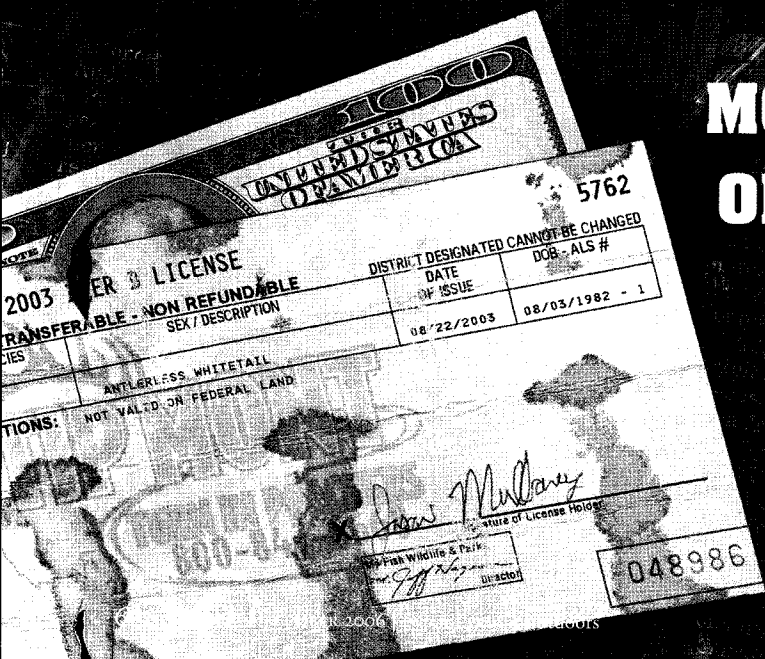
NOT HUNTERS Two nonresidents pose with a bull elk they shot illegally near Jardine.

MONTANA OUTDOORS

BIG ANTLERS

**MONTANA CRACKS DOWN
ON POACHERS STEALING
THE STATE'S BIGGEST
AND BEST WILDLIFE.**

BY DAVE CARTY



You have to actually hold it in your hands to truly comprehend the loss.

The 30-inch-wide mule deer rack, thick beamed and long tined, would have entered the record book as the largest typical mule deer ever taken in Montana. But instead of earning a place of honor in a sporting goods store or a skilled hunter's living room, the monster muley is, for now, unceremoniously parked on a chair in the Helena office of Jim Kropp, chief of the Montana Fish, Wildlife & Parks Enforcement Division. In 2005, game wardens seized the rack from Kelly Frank, a criminal on probation for previous wildlife violations who was charged with shooting the animal out of season near Choteau.

"This is a monster buck, a truly magnificent animal," says Kropp. "It was stolen from the people of Montana."

Unfortunately, the massive muley is not the first trophy animal to be poached in Montana, nor will it be the last. The illegal killing of deer, elk, and other big game is increasing across the state, as serial poachers driven by pride, money, or both devise new ways to steal Montana's trophy animals. The illegal activity has required state and federal enforcement officials to find innovative ways to nab the criminals—and increasingly rely on the public for help.

Gardiner, to a year in federal prison and \$50,000 in fines and restitution for illegally leading out-of-state hunters to trophy bulls leaving Yellowstone National Park for the Cinnabar Basin. So far, 21 additional people have been fined and had their hunting privileges revoked, and another dozen out-of-state hunters are still under investigation. Game wardens and federal agents have seized 30 elk heads and racks as part of the investigation.

■ **Mullaney Case:** In 2005, a judge ordered Jason Mullaney of Butte to pay more than \$23,000 in restitution, perform 1,000 hours of community service during a six-year deferred jail sentence, and give up all hunting privileges in Montana and 20 other states for six years. Mullaney had pled guilty to three felony charges of unlawfully killing 17 deer, five antelope (including a record-book buck), two black bears, and a mountain goat.

■ **Motarie Case:** Gary Motarie of Cut Bank, a self-described antler "addict," was sentenced in 2004 to 18 months in prison for poaching a huge bull elk off the Sun River Wildlife Management Area. Motarie had killed the animal after having his hunting privileges suspended for 20 years for poaching elk in Lewis and Clark County.

■ **Ruth Case:** In 2003, wardens acting on tips raided a compound near Seeley Lake owned by Dean and Renita Ruth. They seized more than 100 big game mounts and racks, including deer,

and BIG EGOS

Major cases

Though Kropp says most poachers are individuals killing just one animal, his office is seeing greater numbers of organized operations in which several people kill scores of animals. Some of the bigger Montana cases in recent years:

■ **Huntley Poaching Project:** In 2006, 17 people, including a teen-aged male and his mother, were charged with illegally killing dozens of deer in Yellowstone, Treasure, and Rosebud counties. Kropp calls it "one of the most blatant examples of poaching I've ever seen." Investigators seized 50 big game heads and antlers from several homes near Huntley. Several defendants, whom one warden called "thrill seekers," were charged with illegally killing deer, taking only the heads, and leaving carcasses in fields. Says Kropp: "It was wanton waste of the worst kind you could imagine."

■ **Operation Cinnabar:** Earlier in 2006, a federal judge sentenced Danny McDonald, a commercial poacher from

elk, bear, and moose, along with a rifle silencer and hundreds of photos of the couple's clients posing over dead animals. The Ruth poaching ring killed so many deer in the area that FWP biologists later recorded a significant decline in mature buck numbers when conducting annual surveys to set hunting seasons.

The Ruths were charged with 12 felony counts of poaching in Montana, as well as numerous poaching charges in Pennsylvania. In 2004, a federal judge sentenced Dean Ruth to four months in prison and restricted him from ever owning a firearm again. A Montana district court judge later ordered the couple to pay \$19,000 in restitution, revoked Dean Ruth's hunting privileges for life, and sentenced him to 20 years in prison with 15 years suspended.

Public wildlife for sale

As with so much other crime, money is often the motivation behind poaching. Kropp says when he began working for FWP

in the 1980s, “most poachers we saw were people shooting deer or elk for meat, or maybe someone taking advantage of an opportunity like seeing an elk in a field after the season had closed.”

But over the last 20 years, greed has driven a new breed of poachers to line their wallets with Montana’s wildlife. “Record-book heads like the Kelly Frank mule deer rack can sell for \$30,000 to \$40,000 or even more,” Kropp says.

With that kind of money, a growing number of people are willing to do whatever it takes to put large racks in the hands of wealthy clients. “What we’re seeing is the intersection of big antlers with big egos,” Kropp adds. “There’s a growing interest across the country in having a big trophy on the wall—no matter how it’s taken—and that’s what’s driving a lot of the poaching in Montana.”

Doug Goessman agrees. “Everything in this world is for sale, and we’ve found that wildlife has become an extremely valuable commodity,” says the U.S. Fish and Wildlife Service (USFWS) special agent, who works closely out of his Bozeman office with state game wardens on major poaching operations.

Goessman points out that the odds of drawing a bighorn sheep or trophy bull elk permit in Montana can be as high as 100 to 1. “Some people don’t want to go through the system legally,” Goessman says. “They know

“Some of these poachers tell us, ‘You guys out here in Montana sure take your wildlife seriously.’”

they can just plunk down several thousand dollars, circumvent the whole permit lottery process, and kill elk, deer, sheep, or whatever out of season.”

Goessman notes that as the value of trophy mounts has grown in recent years, more poachers find it worthwhile to take the risk of getting caught. “Many people are more affluent now and have more money to pay for antlers,” he says. “Then you have some folks in Montana who, because they’re not as well off, take that chance to make a few bucks.”

No one is sure what accounts for the growing interest in trophy antlers and mounts, but the outdoors media may be partially to blame. Hunting magazines have always glorified trophy animals. Traditionally, the emphasis was on the hunt—scouting, outdoors skills, marksmanship—and the trophy was portrayed as the reward for an investment of time, effort, and experience. No longer. In the last few decades, many articles have shifted the emphasis from hunting trophy animals to simply *shooting* trophy animals. Outdoor TV shows and videos are

no better, showing hunters knocking down one large-racked buck or bull after another.

op the skills needed to pursue big game in traditional ways, some pay for “canned hunts” (shooting animals in fenced enclosures). Others pay to kill trophy animals illegally or purchase mounts illegally obtained.

Public involvement

Since the early 20th century, poaching that involves the movement of illegally taken game or mounts across state lines has been a federal crime under the Lacey Act. But many wildlife-related crimes that occur within state borders are considered minor offenses. Knowing that many poachers can easily absorb small fines as a cost of doing business, Gary Carvajal, president of the Montana Bowhunters Association (MBA), says his group is pushing for stiffer penalties and higher restitution.

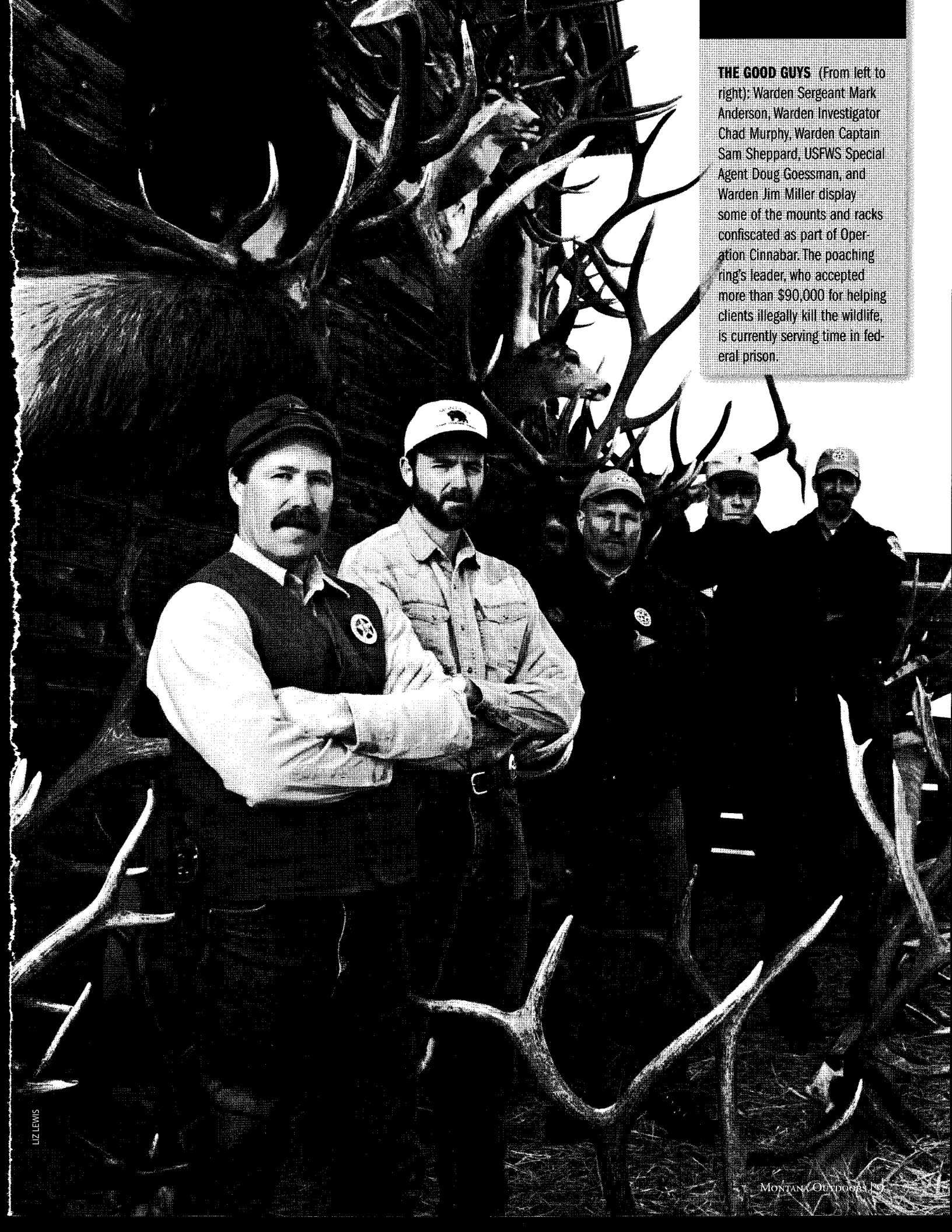
“Our position is that fines levied against poachers should teach them a lesson and provide a disincentive for poaching,” he says. “In the past, if a person was caught shooting a deer or an elk out of season, it was only a \$200 or \$300 fine at the very most and just a misdemeanor.”

The MBA co-authored a trophy restitution bill passed by the Montana Legislature that requires increased payments—ranging from \$2,000 for an antelope to \$30,000 for a bighorn sheep ram—to the state for illegally killing wildlife. And they are pushing to make more poaching violations felonies.

Carvajal and Kropp say that, until recently, many law-abiding hunters haven’t been concerned about poaching. “Many will turn a blind eye to what they know is going on,” Kropp says.



PARKING THE EVIDENCE Armed with a search warrant, game wardens found these whitetail bucks in the garage of a Butte poacher. A judge later sentenced the criminal to pay \$23,000 in restitution for wildlife stolen from the people of Montana.



THE GOOD GUYS (From left to right): Warden Sergeant Mark Anderson, Warden Investigator Chad Murphy, Warden Captain Sam Sheppard, USFWS Special Agent Doug Goessman, and Warden Jim Miller display some of the mounts and racks confiscated as part of Operation Cinnabar. The poaching ring's leader, who accepted more than \$90,000 for helping clients illegally kill the wildlife, is currently serving time in federal prison.

But that may be changing. Carvajal says hunters and others are reading about poaching rings, "and they're realizing that commercial poachers are stealing wildlife from the people of this state, both hunters and nonhunters."

Angered by the wholesale wildlife robbery across Montana, some citizens have chosen to act. Since it began in 1985, the state's Turn in Poachers Program (TIP-MONT) has received thousands of calls resulting in hundreds of arrests. "We're getting a growing number of complaints from hunters who are realizing that Montana doesn't have a limitless supply of trophy wildlife," Kropp says. "They are mad that poachers steal the biggest and best animals right off the landscape."

The toll-free line receives more than 1,300 calls each year from hunters and others reporting suspicious poaching activity. Callers may remain anonymous and, if a tip results in a conviction, are eligible for a

Freelance writer Dave Carty of Bozeman is a frequent contributor to Montana Outdoors.

So many deer were poached in the area that biologists later recorded a significant decline in mature buck numbers.

reward of up to \$1,000.

"Calls to TIP-MONT continue to be our number one source for leads on poaching cases," Kropp says.

Randy Arnold, a game warden in Helena who previously worked undercover, offers Operation Cinnabar as an example of how a simple phone call from a concerned citizen can shut down a poaching operation.

"A fellow was flying back to Montana from out of state and overheard some guys from Tennessee on the plane talking about their upcoming Montana bull elk 'hunt,'" he says. "The guy knew the season was closed and heard them talk about 'ranch tags,' which don't exist in Montana, so he sus-

pected it was some sort of illegal operation. When the plane landed, he called TIP-MONT from the airport. It turned out that there was this huge commercial poaching operation going on, and he was the one that turned us on to it."

Such public vigilance and the efforts of USFWS and FWP agents and game wardens result in the capture and conviction of dozens of poachers each year. Yet both federal and state enforcement officials concede that far more poachers are still out there stealing Montana's wildlife.

"We miss a lot," Goessman admits. "It's kind of like asking a narcotics agent how much dope is still out there. There's a lot."

MONTANA'S RECENT ANTI-POACHING EFFORTS

Proud of its reputation for abundant wildlife and progressive wildlife conservation, Montana has little tolerance for poaching. Recently, the state has stepped up efforts to thwart the growing problem:

Greater fines and punishment. Backed by the Montana Bowhunters Association, new legislation has raised fines and restitution. Judges are revoking hunting privileges for years or even a lifetime—and not just in Montana but also in a nonresident poacher's home state. Judges are also putting serial poachers behind bars. Kelly Frank, who poached a record-book buck near Choteau, is serving time in a federal penitentiary in Colorado.

"We're one of the few states to send people to prison for poaching," says FWP enforcement chief Jim Kropp. "Jail time is a real deterrent."

FWP is pushing to make poachers pay for court and investigative costs, similar to what's imposed on those convicted of other crimes. And the department will introduce legislation in 2007 that would impose felony penalties for some types of unlicensed and illegal outfitting and channel restitution money into FWP game law enforcement programs.

Increased electronic surveillance. FWP's Automated Licensing System allows wardens to instantly check to see if suspected poachers have pur-

POACHING
enough is enough
Call: 1-800-TIP-MONT

A CALL TO ACTION This fall, FWP and several statewide sportsmen's organizations began a statewide campaign alerting Montanans of the poaching problem and how they can help.

A special prosecutor with the state Attorney General's Office spends half her time prosecuting wildlife felonies.

Greater public awareness: Over the past year, FWP wardens have been traveling the state giving presentations on the poaching problem. This fall, the department launched a major public awareness campaign in cooperation with the Montana Bowhunters Association, Montana Outfitters and Guides Association, and Montana Wildlife Federation. The campaign aims to convince Montanans that poachers are stealing the state's most valued big game specimens and robbing hunters and wildlife watchers of recreational opportunities.

chased the correct licenses and permits. In Operation Cinnabar, for example, wardens found that none of the suspects had special hunting permits and several had no licenses at all. FWP routinely cross-checks hunting licenses against driver's licenses to ensure nonresidents aren't buying less-expensive resident hunting licenses.

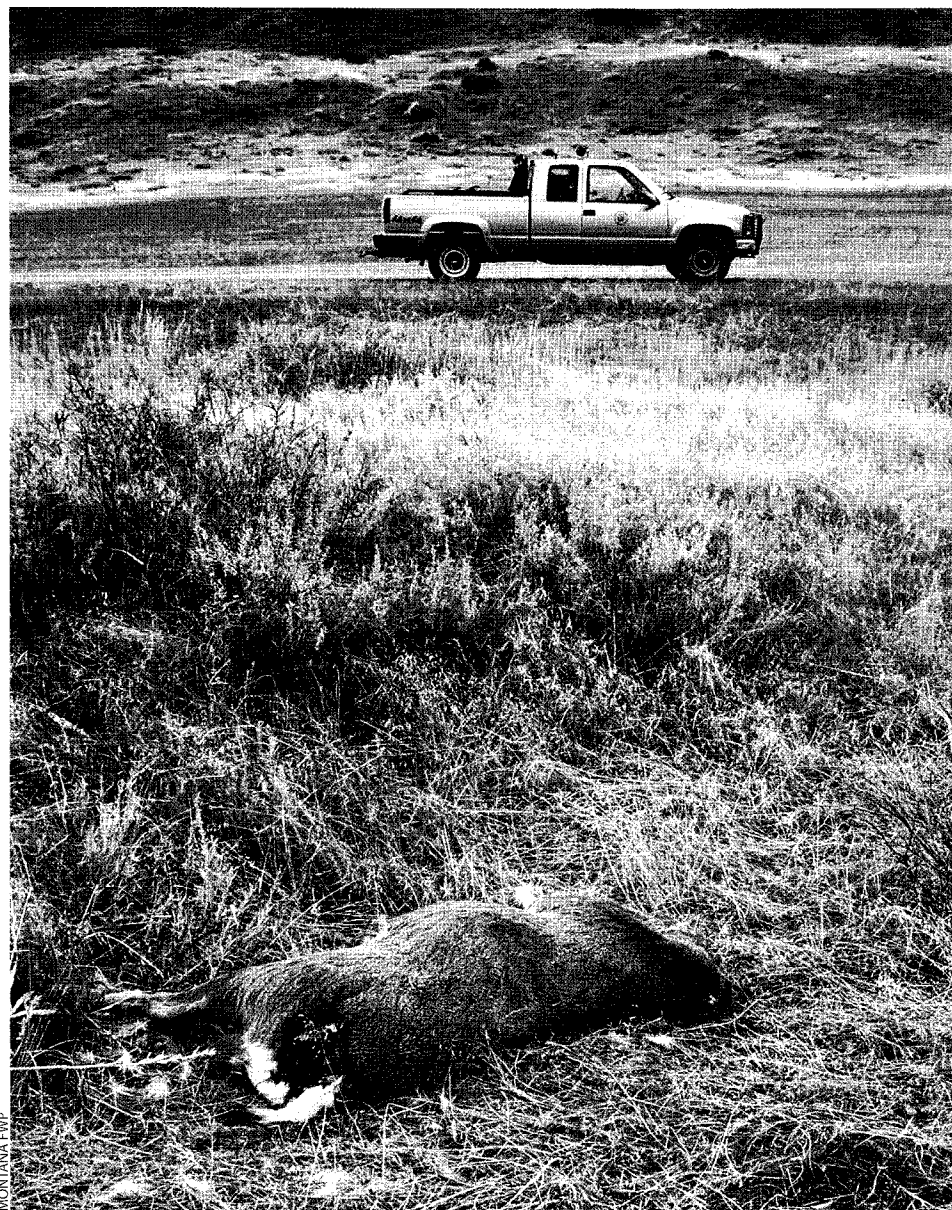
More investigators: In 2005, the Montana Legislature gave FWP authority to hire two new regional investigators to increase the department's ability to investigate and prosecute large-scale wildlife crimes. FWP also has four undercover wardens working on poaching cases.

Which is why FWP is beefing up its anti-poaching efforts. The department recently distributed to sporting goods stores posters alerting customers of the poaching problem and promoting the 1-800-TIP-MONT line for reporting suspicious activity. New TV and radio ads, bumper stickers, and a traveling display at fairs and other events highlight the poaching problem. The department has also been using its Automated Licensing System to cross-check hunting licenses against driver's licenses to validate residency.

All this work is meant to ensure that public wildlife stays in public ownership—and

that the gains made by hunters and other conservationists over the past century to restore big game populations and protect critical wildlife habitat have not been in vain. Stricter enforcement, tougher penalties, and greater public involvement show that Montana means business when it comes to defending its treasured elk, mule deer, bighorn sheep, and other game animals.

"We've sat down with some of these poachers after they've been through federal court and sentenced, and time and again they tell us, 'You guys out here in Montana sure take your wildlife seriously,'" Goessman says. 🐻



MONTANA FWP

DUMPING GROUNDS In 2005, game wardens found dozens of deer in fields across Treasure, Yellowstone, and Rosebud counties. Poachers had cut off the heads and left the bodies to rot.



Who you don't know can hurt you

When Montana's game wardens go undercover to nab game violators, they're just as likely to be hiding out at a tavern as in the woods. Montana Warden Randy Arnold of Helena spent four years doing undercover work, racking up dozens of arrests and a lifetime of good stories. Here's one of them:

"Ben Ruiz was a guy in his late 20s out of the Bitterroot Valley who was operating illegally as a fishing and waterfowl hunting guide," Arnold recalls. "We also had reason to believe he and some friends had killed deer in the spring, which we later found to be true.

"We'd heard from an informant that Ruiz was planning a party in a bar in Stevensville. So I went with Mike Martin, another undercover investigator, to the bar. I was posing as an executive search consultant from Montana assisting Martin, who was posing as a friend from Iowa planning to move here and start a business. We dressed like businessmen, and when we got to the bar we let it be known we wanted to fish the Bitterroot. When Ruiz showed up, we asked the waitress if there was anyone around who could take us out, because we were 'sure interested in going trout fishing.' She turned around and pointed right at Ruiz and said, 'That guy's an outfitter, you ought to talk to him.'

"Well, Ruiz wasn't an outfitter, but he was acting as one. He immediately came over to our table and sold himself as an outfitter, and the very next day he took my partner on the river fly fishing illegally. And that was the beginning of our two-year investigation of Ruiz."

Ruiz was ultimately charged with poaching a deer and multiple counts of illegally taking people fishing and waterfowl hunting. Several other suspects were also charged with illegally killing deer. ■

POACHING

enough is enough

Call : 1-800-TIP-MONT

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Q. What is TIP-MONT?

TIP-MONT is Montana's toll-free hotline to report poaching and other crimes. It stands for "Turn In Poachers Montana." Call 1-800-TIP-MONT (1-800-847-6668). Callers can remain anonymous and may be eligible for cash rewards.

Q. Why does Montana need a poaching hotline?

In the entire state of Montana there are only 72 field wardens. Wildlife needs your eyes and ears to report these serious and costly crimes.

Q. Is TIP-MONT effective?

Yes. Since 1985, TIP-MONT received more than 13,540 reports of poaching and other crimes, resulting in 1,521 convictions. These convictions netted \$810,500 in fines, \$337,000 in restitution. Also, nearly \$155,000 in rewards were paid to citizens who reported suspected poachers and other crimes.

Q. Can one person really help stop poaching in Montana?

Absolutely! If you believe "enough is enough," you can help stop poaching. If you see a poaching incident, report it. Poaching is a crime against you, your neighbor, and everyone else in Montana. Call 1-800-TIP-MONT (1-800-847-6668).

Q. How are callers rewarded?

If a poacher is arrested or issued a citation on the basis of information provided by a caller, a reward is authorized. Rewards can be paid in cash and the pay-off is arranged to protect the anonymity of the caller. Many wildlife enthusiasts, however, don't want a reward—they just want the criminals stopped.

Q. What happens to the information I provide?

The caller, who can remain anonymous, is assigned a code number. All information about the poaching incident is taken. FWP law enforcement personnel evaluate the information. Investigations are begun immediately and must follow the same rules and constitutional guidelines as any law enforcement investigation.

Q. What type of information should I report?

Provide information as soon as you can, including: date, time, location, and description of the violation; number of suspects; names or identifying features such as age, height, hair color, clothes; type of weapon used; number of shots heard; vehicle description including type, year, color and license number; how a suspected poached animal is being transported, or where it is being stored.

Q. Can I contribute to TIP-MONT?

Yes. You can make tax-deductible contributions to the reward fund that makes the TIP-MONT program possible. Individuals and organizations may mail their contributions to: Montana Fish, Wildlife & Parks Foundation, Attn: TIP-MONT, P.O. Box 200701, Helena, MT 59620-0701.



**Montana Fish,
Wildlife & Parks**

Montana Outdoors is a bi-monthly publication of Montana Fish, Wildlife & Parks that promotes the conservation and sustainable use of Montana's fish, wildlife and state parks. Get the latest news on Montana's wildlife, fish, and parks management, conservation issues, and endangered species in *Montana Outdoors*. This captivating color magazine provides an in-depth look at what's going on in Montana's mountains, rivers, reservoirs, prairies and forests. For just \$9 per year, you'll get the latest information on Montana's trout rivers, elk management, state parks, wolf and grizzly delisting, and more. Plus you'll find recent updates on seasons, laws, and regulations, not to mention some of the best outdoors photography in the country. **Subscribe to *Montana Outdoors* magazine: (800) 678-6668 or fwp.mt.gov/mtoutdoors**